Remarks

The above-referenced patent application has been reviewed in light of the Office Action, dated **May 7, 2004** (hereafter, the Action), in which: claim 13 is objected to based on an informality and claims 1-17 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Doiron (US Patent 5,968,197 hereinafter "Doiron"). In response, Applicants respectfully disagree the objection to claim 13 and with the 35 U.S.C. § 102(b) rejection of claims 1 – 17.

Current Status of Claims:

With this amendment, claims 1 – 17 remain pending. No claims have been cancelled or added.

Claim Objections:

In the Action, claim 13 was objected to based on informalities. In response, Applicants respectfully disagree with the objection. Applicants respectfully submit that the Action has provided no statutory basis for the objection. Should a statutory basis be provided, Applicants may consider amending claim 13. Accordingly, in light of a lack of a statutory basis for the objection, Applicants respectfully request that the objection to claim 13 be withdrawn.

Rejections under 35 U.S.C. 102(b):

On page 2 of the Action, claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Doiron. The rejection of such claims on this basis is respectfully traversed.

Application No. 10/041,040
Atty. Docket No. P13767   -2-   Examiner Abraham
                                                                                                    Art Unit 2133

Claim 1 states:

> An apparatus, comprising:
>   a data path input unit _to receive a packet from a_
> _transmitting device for a request transaction that does not expect a_
> _completion_; and
>   a data path output unit to transmit a message to the
> transmitting device if the request transaction is unsuccessful.

Emphasis added.

As is well-established, to support a _prima facie_ case of anticipation, the Action must

show that each and every element as set forth in the claim is found, either expressly or inherently

described, in a single prior art reference. See MPEP § 2131. In the present case, Applicants

respectfully submit that the teachings of the reference cited by in the Action fail to support a

prima facie case of anticipation.

The Action provides on page 2 that Dorian clearly anticipates claim 1. In particular the

Actions points to Dorian's anticipation by teaching "an automatic repeat request (ARQ) protocol

is employed between sender and receiver so that when a data unit is received correctly by the

receiving unit, the receiving unit transmits an acknowledgment (ACK) back to the sending unit

and if the data unit is received incorrectly (unsuccessfully) and cannot be correctly reconstructed,

the receiving unit transmits a negative acknowledgment (NAK) to the sending unit...."

Applicants respectfully disagree.

Applicants respectfully submit that Doiron fails to disclose a data path input unit to

receive a packet from a transmitting device _for a request transaction that does not expect a_

completion as cited in claim 1 above. In particular, Doiron discloses an ARQ protocol employed

between sender and receiver so that when a data unit is received correctly by the receiver the

receiver transmits an ACK back to the sender. See Col. 5, ln. 10 – 15. Doiron goes on to

Application No. 10/041,040   Examiner Abraham
Atty. Docket No. P13767   -3-   Art Unit 2133

PAGE 7/9 * RCVD AT 8/9/2004 12:28:05 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID: * DURATION (mm-ss):03-02

disclose that in using this ARQ protocol, a receiver transmits an acknowledgment signal (ACK) back to the sender. See Col. 1, ln 65-67. Further, if the sender does not receive an ACK signal within a predetermined window the sender retransmits. See Col. 2, ln. 7 - 8.

Since Dorian discloses that the *sender expects an acknowledgement* from the receiver when using an ARQ protocol, Applicants respectfully submit that Doiron actually teaches away from *a request transaction that does not expect a completion* as cited in claim 1 above. Accordingly, Dorian does not describe each and every element in claim 1.

Applicants respectfully assert that, based on the rationale articulated above, the Action has not established a *prima facie* case of anticipation to support the rejection of claim 1 under 35 U.S.C. § 102(b). Therefore, for at least the foregoing reasons, it is respectfully requested that the Examiner withdraw rejection of claim 1.

Independent claims 7 and 13 also include similar elements to claim 1. In particular, claim 7 contains the elements *for a request transaction that does not expect a completion* and claim 13 contains the elements *the request packet indicates that a completion is not expected*. Accordingly, claims 7 and 13 are patentable over the cited reference for at least the same reasons as to those presented for claim 1. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 7 and 13.

Applicants note that claims 2-6, 8-12 and 14-17 depend from patentable base claims 1, 7 and 13, respectively. As a result, in addition to any independent bases for patentability, Applicants respectfully submit that claims 2-6, 8-12 and 14-17 are patentable over the cited reference by virtue of at least this dependence. Thus, Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claims 2-6, 8-12 and 14-17 be withdrawn.

Application No. 10/041,040   Examiner Abraham
Atty. Docket No. P13767   -4-   Art Unit 2133

Conclusion

For at least the foregoing reasons, Applicants respectfully submit that claims 1-17 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
Gary Solomon, et al.

Date: _8\2\04_

by: _____
Ted A. Crawford
Reg. No. 50,610
Patent Attorney for Assignee Intel Corporation

Intel Corporation
PO Box 5326
SC4-202
Santa Clara, CA 95056-5326
Tel. (503) 712.2799

Application No. 10/041,040
Atty. Docket No. P13767

-5-

Examiner Abraham
Art Unit 2133